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2 RESOLUTION ESTABLISHING A PUBLIC ART POLICY
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4 WHEREAS, the City Council finds a public art program is important to a city, because it
5 brings social, cultural and economic benefits to the public and visitors to the city;
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7 WHEREAS, the City Council wishes to create and establish a program which will
8 enhance the recreational and cultural environment in the city by incorporating the work of artists
9 into the city's capital improvements;
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11 WHEREAS, the Durham Cultural Master Plan, within its Economic Development Goal,
12 places a high priority on the establishment of a percent-for-art program in Durham;
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14 WHEREAS, approximately five hundred state, county and municipal public art programs
15 have been adopted in the United States, including programs in Raleigh, Cary, Chapel Hill and
16 other North Carolina cities and towns;
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18 WHEREAS, the Resolution Authorizing the Establishment of the Cultural Advisory
19 Board as "an advisory committee to the City Manager and City Council" defines one of the
20 board's functions as "the implementation of a public art program";
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22 WHEREAS, the Downtown Master Plan establishes a goal of "activating the street-level
23 and the storefronts with interesting shops and venues; and continuing streetscape improvements
24 including public art, throughout downtown"; and
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26 Whereas, the Citywide Strategic Plan goals of "a strong and diverse economy", "thriving
27 livable neighborhoods" and "stewardship of the City's physical assets" are supported by a public
28 art program; and
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30 WHEREAS, the Durham Comprehensive Plan establishes a goal "to encourage the
31 incorporation of public art in new development projects, particularly in Downtown and Compact
32 Neighborhood Tiers"; and
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34 WHEREAS, a stable and predictable source of funding for public art projects and a
35 transparent system for administering a public art process in the selection of works can support the
36 goal of increasing the quantity of diverse public art throughout the city.
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38 NOW, THEREFORE, BE IT RESOLVED that the City of Durham hereby adopts the
39 following Public Art Policy:
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41 1. Definitions.
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43 a. Public Art is hereby defined as

- 44 i. Original visual art including, but not limited to, sculptures, murals,
45 photographic renderings, mosaics and electronic art installations installed
46 on a permanent basis in spaces which are visible from public streets and
47 pedestrian walkways, free of any admission fee, through a public process
48 providing opportunities for community input;
49 ii. Original visual art installed on a temporary basis, for a period of not less
50 than 90 days, in public spaces designated as public art exhibition areas
51 for temporary installations;
52 iii. Artist-designed public amenities including, but not limited to, bicycle
53 racks, benches, fountains, bus shelters, sidewalks and building facades.
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b. Designated spaces for temporary free public art exhibitions are hereby defined as CCB Plaza, Central Park, Five Points, the Civic Center Plaza, the grounds of the Durham Performing Arts Center, City Hall, the Hayti Heritage Center, the Durham Arts Council, the Carolina Theatre, Durham Athletic Park, and such other public spaces as may be designated by the City Council. For some temporary projects an indoor location might be necessary based on the design of the work or as an indoor inclement weather location.

c. Permanent is hereby defined as the expected useful life of the structure at the designated project location. In the event that the site shall not have a structure, permanent shall mean at least twenty-five years.

2. Program Administration. In providing advice to the City Manager and City Council concerning public art, the Cultural Advisory Board (CAB), on proposals to commission public art works or to accept works offered for donation to the City, shall appoint a Public Art Committee to assist it in that purpose.

The committee shall consist of at least three members of the Cultural Advisory Board, including the committee chair, with no fewer than six additional members. The CAB will advertise vacancies on the committee to encourage diversity and broad community participation. The committee members shall include professional artists or professionals in related fields, including but not limited to architecture and landscape architecture and members of the general public with knowledge or experience in public art projects or related activities. Members shall live or work in Durham.

Members shall be appointed by the Chair of the Cultural Advisory Board, subject to review by the Board.

The committee shall advise the Cultural Advisory Board and Durham City Council on matters including:

the acceptance by the City of public art works offered to the City by donors, and

the commissioning of public art projects by the City,

The Committee shall serve as a review and implementation advisory committee for any public art projects undertaken by the City, working with the Office of Economic and Workforce Development and such other City departments and public and private agencies as the City Manager may determine to be appropriate.

3. Percent-for-Art Program. The City Council hereby establishes a percent-for-art program to encourage and fund public art projects in Durham.

a. Funding: For any eligible capital project funded by the City with capital expenditures greater than \$500,000.00, except any such project as the City Council may choose to exempt or when the nature of the project funding source or applicable laws would not allow it, one percent of the eligible capital budget shall be used to fund a public art project on the project site. "Eligible capital project" means any capital project paid for, in whole or in part, by the City for the construction, improvement, beautification or renovation of any building, park, trail, greenway, bikeway, parking facility or public space owned by the City. "Eligible capital budget" means the total amount appropriated for design and construction of an eligible capital project (including funding from outside sources which permit the acquisition of artwork for the project with such funds), but excluding the actual costs of real property acquisition, demolition of existing structures, environmental

remediation and legal and accounting fees. In the event that the Council may determine that the project location, or the amount of funds available, are not appropriate for a public art installation, an equal amount of money shall be deposited into a Project Fund for Public Art.

- b. Project Fund for Public Art: The Project Fund for Public Art shall be used to commission works of art for permanent installation at sites approved by the City Council, to fund maintenance and repair of existing public art works, or to fund temporary installation of works of art at designated public art temporary exhibition areas. Funds may be used for direct costs and for the costs of administration of projects.

4. Geographical Priorities: For projects funded from the Project Fund for Public Art, priority shall be given to projects in the Downtown Development Tier including the Parrish Street Project Area, the Community Development Area outside Downtown and designated gateways to the city.

5. Design Criteria: The commissioning of public art, or the acceptance by the City of donated works of public art, shall be subject to review by the Cultural Advisory Board which shall make a recommendation to the City Council as to the appropriateness of the work to be created, accepted for donation or purchased. The review shall consider artistic quality, appropriateness of artistic content to the location, maintenance, risk and safety issues and conformity with relevant city policies and ordinances.

6. Public Input: In reviewing public art proposals, the Cultural Advisory Board shall provide opportunities for public input, including input from neighborhoods, businesses and other institutions in the area in which the work will be installed. In reviewing a proposed project, the Cultural Advisory Board shall give consideration to educational components of the project.

7. Administrative Structure: The City Manager, or the Manager's designee, shall develop detailed procedures, informational material and application documents for the administration of the public art process.

8. Project Management: Projects commissioned through the Project Fund for Public Art shall be administered by the Office of Economic and Workforce Development (OEWD) in conjunction with the department that initiates the capital project. Subject to approval by the City Manager, OEWD may contract for a Durham-based not-for-profit organization to provide project management services.

9. Private Development: The City shall make efforts to encourage voluntary participation in the Public Art process by developers of properties on private land. The evaluation process for the awarding of grants or incentives for capital projects under the Economic Development Financial Assistance and Incentive Policy shall use the grant scoring process to encourage voluntary participation. Developers may satisfy this goal through on-site installations, through contributions to the Public Art Project Fund, or through the contractual commitment, in the interior decoration of the spaces subject to the incentive agreement, to purchase original art by artists residing or working in the City of Durham.

10. Effective Date: The percent-for-art process in this Resolution shall take effect for capital projects approved by the City Council on or after July 1, 2012, unless the City Council shall direct otherwise. The administrative process for public art project review shall take effect upon the approval of this Resolution.